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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,358	11/14/2000	William Fitzpatrick	4034-32	9102
21890	7590	01/10/2006	EXAMINER	
PROSKAUER ROSE LLP PATENT DEPARTMENT 1585 BROADWAY NEW YORK, NY 10036-8299			KYLE, CHARLES R	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/712,358	Applicant(s) FITZPATRICK ET AL.	
	Examiner Charles Kyle	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 32-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

**Claim 37-38** are objected to because of the following informalities: They both depend from Claim 37. For purpose of examination, it is assumed that they are intended to depend from Claim 35.

It is also suggested that the dependency of Claim 36 be confirmed. It currently depends from Claim 37, rather than Claim 35, a more logical dependency. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 32-33 and 35-36** are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,408,282 *Buist*.

**Concerning Claim 32**, *Buist* discloses the invention as claimed, including a computer readable medium (Col. 7, lines 30-42) having financial advisor

software stored thereon that when executed on a computing device displays an interface (Abstract) comprising:

an application menu (Fig. 5A, ele. 510, Col. 11, line 15 to Col. 12, line 7);

a market data function menu (Col. 15, line 27 to Col. 16, line 11);

and a display window (Summary of the Invention);

wherein the application menu comprises:

a client information application selection that enables a user of the financial advisor software to search for and display client account and client transaction information in the display window in real time (Figs. 36, 37 and related text; Col. 6, lines 49-61; Col. 10, lines 25-62);

a broker entry application selection that enables the user of the financial advisor software to participate in client transactions in real time by, entering or correcting client transaction orders (Col. 1, line 56 to Col. 2, line 6; Col. 9, line 42 to Col. 10, line 62, broker/dealer disapproval of trade by user/buyer constitutes correction);

wherein the market data function menu comprises:

a market data function selection that displays market data in the display window in real time (Fig. 14,; Col. 15, line 27 to Col. 16, line 11; Col. 6, lines 32-36);

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wherein the application menu further comprises a research application selection that enables the user of the financial advisor software to research investments;

wherein the application menu further comprises a financial planning application selection that enables the user of the financial advisor software to make recommendations regarding asset allocations and specific investment alternatives (Figs. 5A, 5B and related text; Fig. 38 and related text; e-mail is read a an application selection which *enables* making of recommendations. The phrase requires no more).

**As to Claim 33**, *Buist* discloses the use of financial advisor software to report problems in the execution of client transactions at Col. 10, lines 26-41, particularly, lines 38-41. See also the discussion of Claim 32 regarding the use of e-mail a management application that enables reporting of problems in execution of transactions.

**Concerning Claims 35 and 36**, see the discussion of Claims 32 and 33. *Buist* further discloses the recited computing devices and servers at Fig. 2 and related text.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 34 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,408,282 *Buist* in view of US 5,978,779 *Stein et al.*

**Concerning Claim 34**, *Buist* discloses the invention substantially as claimed. See the discussion of Claim 32. *Buist* further discloses a client selection for presentation of client account balances at Fig. 37 and related text. *Buist* does not specifically disclose limitations of client statements, transaction confirmations and tax statements (1099s). *Stein* discloses client statements and transaction confirmations limitations at Col. 5, lines 6-49 and tax statement reports at Col. 11, lines 40-54. Note that *Buist* and *Stein* both are drawn to the transaction of securities trading. It would have been obvious to one of ordinary skill in that art at the time of the invention to modify *Buist* to include the extra reporting capacities of *Stein* because this would improve client awareness of his/her portfolio and facilitate obligatory reporting to governmental entities. As to **Claim 37**, see the discussion of Claims 35 and 34.

**Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,408,282 *Buist* in view of US 5,978,779 *Stein et al* and further in view of US 2002/0032632 *Sernet*.

**As to Claim 38**, *Buist* further discloses an authentication system comprising a controller (Col. 7, lines 43-55), a shell initialization module (Fig. 53 and Col. 35, lines 31-56), a browser interface launch module (Fig. 10 and Col. 11, lines 13-24), a password module (Fig. 18, Col. 17, lines 10-47) and a move function (Col. 13, lines 50-62). Note that the phrasing “move/add/change” is understood as implying selection from the three alternatives. *Buist* does

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not specifically disclose a database storing varying levels of entitlement for trading information. *Sernet* discloses this at Fig. 2 and para. 28. It would have been obvious to one of ordinary skill in that art at the time of the invention to modify *Buist* with the adjustable levels of entitlement of *Sernet* because this would provide access to privileged information at a level appropriate to a user's needs.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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crk

January 6, 2006

**Primary Examiner**

**Charles Kyle**

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*Charles Kyle*